

EXHIBIT A

Email Correspondence Between
C. Austin and R. Green

From: F. Christopher Austin caustin@weidemiller.com

Subject: RE: Switch v. Fairfax: Rule 26(f) Conference

Date: May 11, 2018 at 4:05 PM

To: Ron Green rdg@randazza.com

Cc: Marc Randazza mjr@randazza.com, Trey Rothell tar@randazza.com, Brianna Show bshow@weidemiller.com

FA

Ron:

That we're late on having a 26(f) Conference actually is further reason to move forward, since being late doesn't waive the requirement. As you know, we have an obligation under the Rules and on behalf of our client to hold the conference, so absent consent by your client by Tuesday at the latest, we will have to notice a date. I understand you may move for a stay, and that's fine. I will just have to oppose it.

Thanks for getting back to me.

Chris

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From: Ron Green [<mailto:rdg@randazza.com>]

Sent: Friday, May 11, 2018 2:59 PM

To: F. Christopher Austin <caustin@weidemiller.com>

Cc: Marc Randazza <mjr@randazza.com>; Trey Rothell <tar@randazza.com>; Brianna Show <bshow@weidemiller.com>

Subject: Re: Switch v. Fairfax: Rule 26(f) Conference

Chris:

I probably would not be finding the timing of this demand so odd if you had asked for the conference within the timeframe specified by the Court's rules. Specifically, Local Rule 26-1(a) provides that "plaintiff's attorney must initiate the scheduling of the conference required by Fed. R. Civ. P. 26(f) to be held within 30 days after the first defendant answers or otherwise appears." That deadline passed over 6 months ago.

While I understand that a pending motion to dismiss does not stay discovery, we have been operating under the assumption that the parties would not be engaging in discovery until after the court ruled upon the motion for over half a year. Moreover, "my client wants you to respond to discovery" is not a compelling reason to start discovery now after such a long delay. If Mr.

Castor would like to speak with Marc and me, we are pleased to schedule a meeting with him and you independent of any Rule 26(f) conference.

Given that a motion to dismiss is pending and this case has sat idle since December, we believe that there is sufficient cause to ask the Court to stay discovery until the Court has ruled upon the motion. Before I consent to anything, I need to advise my clients that the possibility of a stay exists and ask whether they would prefer to commence discovery or request a stay. Maybe they will tell me to move forward with the Rule 26(f) conference. However, they may prefer to let the Court hear the motion and commence discovery once we know which of Switch's claims survive. After I hear back from MTech and Mr. Fairfax, I will let you know. I expect that it will be early next week.

Ronald D. Green* | **Randazza Legal Group, PLLC**
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* Licensed to practice law in Nevada.

On May 11, 2018, at 12:30 PM, F. Christopher Austin <caustin@weidemiller.com> wrote:

Ron:

My client wants responses to the discovery we propounded on you, but we have to hold a 26(f) in order to do so. As you know, discovery isn't stayed just because there is a pending motion to dismiss. Let me know if your client is willing to be amenable to scheduling a time. I know Sam Castor would like to attend and discuss this matter with you and Marc (if he is available). Otherwise, I'll likely just have to notice one—which as you know is not my preference.

Thanks,

Chris

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From: Ron Green [<mailto:rdg@randazza.com>]
Sent: Thursday, May 10, 2018 2:43 PM
To: F. Christopher Austin <caustin@weidemiller.com>
Cc: Marc Randazza <mjr@randazza.com>; Trey Rothell <tar@randazza.com>
Subject: Re: Switch v. Fairfax: Rule 26(f) Conference

Chris:

Given that this case has been sitting still since before Christmas and there is no resolution to or Motion to Dismiss, what's the urgency? Why now? Also, I am fairly sure that my clients are going to assume that you guys want this now so that you can take discovery on claims that are probably going to be dismissed, so I need to speak with them about how they want to proceed before committing to anything.

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On May 10, 2018, at 1:06 PM, F. Christopher Austin
<caustin@weidemiller.com> wrote:

Ron:

Do you have any availability next week for a 26(f) conference in this case?

Chris

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